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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/778,333	02/07/2001	Kundan M. Patel	30-4708	4859

7590

04/04/2003

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EXAMINER

SHORT, PATRICIA A

ART UNIT

PAPER NUMBER

1712

DATE MAILED: 04/04/2003

12

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/778333

Applicant(s)

Patel

Examiner

Shurt

Group Art Unit

1712

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☒ Responsive to communication(s) filed on February 7, 2003.
- ☒ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 1 1; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-60 is/are pending in the application.
- Of the above claim(s) 4-7, 10-12, 15-17, 19-60 is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-3, 18 is/are rejected.
- ☒ Claim(s) 8, 9, 13, 14 is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
  - ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
  - ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
  - ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 9
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

Office Action Summary

Art Unit: 1712

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 3 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scharf. The rejection based upon 35 U.S.C. 103(a) is applied as in the previous office action. In view of applicant's argument that a melt viscosity of the molten component that is substantially less than the melt viscosity of the molten thermoplastic polymer requires a melt viscosity ratio of molten thermoplastic polymer to molten component of at least about 1.5/1, the 35 U.S.C. 102(b) rejection is overcome. While the reference does not disclose a melt viscosity ratio of at least about 1.5/1, the melt viscosity difference is sufficient to allow migration of the low melt viscosity component to the surface under shearing conditions. See col. 4, lines 49-61. Where a reference discloses a variable as a result-effective variable, it would have been routine experimentation to determine workable or optimum melt viscosity ratios, such as a melt viscosity ratio of molten thermoplastic polymer to molten component of about 1.5/1 or greater, that allow the low melt viscosity component to migrate to the surface under processing conditions. The migration of the low viscosity component to the surface is evidence that substantially no chemical reaction occurs between the thermoplastic polymer and low melt viscosity component of the reference.

In view of applicant's argument that a melt viscosity of the molten component that is substantially less than the melt viscosity of the molten thermoplastic polymer requires a melt viscosity ratio of molten thermoplastic polymer to molten component of at least about 1.5/1 and that the claims require a lower viscosity molten component that exhibits a tendency to locate at the surface of the molten thermoplastic polymer, the 35 U.S.C. 102(b) and 35 U.S.C. 103(a) rejections over Wessling are overcome.

Art Unit: 1712

Claims 8, 9, 13 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

This application contains claims 19-60 drawn to an invention nonelected with traverse in Paper No. 6. a complete reply to the final rejection must include cancelation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

**PATRICIA A. SHORT  
PRIMARY EXAMINER**

P. Short

March 25, 2003

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